THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO.4083 OF 2006

Date: 17-03-2006

Between:

M/s Surya Automobiles …Petitioner

And

The Commercial Tax Officer-III

And others …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO.4083 OF 2006

O R D E R (Per the Hon'ble Sri Bilal Nazki, J):

Heard learned counsel for the parties.

Pending appeal, the petitioner moved an application for stay, which was disposed of by the third respondent vide order dated 10-10-2003 granting stay of collection of penalty subject to payment of one time penalty within fifteen days from the date of receipt of that order, pending disposal of the appeal before the Tribunal. Although the order was passed on 10-10-2003, neither the amount was deposited nor the order was challenged. Even in this writ petition, this order is not challenged, but a

garnishee notice dated 18-02-2006 is challenged. The writ petition is misconceived, as the order of conditional stay granted on 10-10-2003 was not complied even after almost three years.

The writ petition is accordingly dismissed. No order as to costs.

_____

(Bilal Nazki, J)

17th March, 2006

_____

(G.Chandraiah, J)

vrn